

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: City Manager

AGENDA DATE: March 1, 2005

CONTACT PERSON/PHONE: Joyce A. Wilson, City Manager, X4844

DISTRICT(S) AFFECTED: N/A

SUBJECT:

An Ordinance repealing Ordinance No. 15893, granting the authority to the City Manager or the Department Head to enter into and sign certain personal, professional, independent and volunteer service contracts on behalf of the City and to create a new ordinance on the same subject.

BACKGROUND / DISCUSSION:

This Ordinance expands on a previous ordinance in which the Council granted authority to the City Manager, as part of the administrative changes that the Council has already made to support the new form of government, to enter into many types of human resources-related contracts. This new ordinance corrects omissions in the prior ordinance and adds professional and voluntary services agreements to types of agreements the City Manager may enter into on behalf of the City. This ordinance also adds provisions regarding the process for amending the agreements and authorizes the City Manager to terminate these agreements in accordance with the agreement's provisions.

PRIOR COUNCIL ACTION:

Ordinance 15893 was originally adopted by City Council on Sept. 21, 2004.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD:

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: Joyce A. Wilson

05 FEB 21 PM 1:10
DATE: 2/21/05
CITY CLERK DEPT.

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER

CITY COUNCIL
SUSAN AUSTIN, DISTRICT 1
ROBERT A. CUSHING, JR., DISTRICT 2
ALEXANDRO LOZANO, DISTRICT 3
JOHN F. COOK, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
PAUL J. ESCOBAR, DISTRICT 6
VIVIAN ROJAS, DISTRICT 7
ANTHONY W. COBOS, DISTRICT 8

OFFICE OF THE CITY MANAGER

March 10, 2005

TO: Mayor and City Council

FROM: Joyce Wilson, City Manager

SUBJ: Ordinances for Consideration on March 15

City Council will consider a series of ordinances regarding the delegation of certain duties and responsibilities to the City Manager. Among them include a delineation of signatory authority between those actions to be retained by the Mayor and those activities to be transitioned to the City Manager. In addition, several of the ordinances are designed to delegate responsibilities to the City Manager that would no longer require bringing items before the City Council for action. Those include:

- release of liens once fulfilled,
- reimbursement for overpayments,
- authority to implement tax payment installment agreements,
- authority relating to grants applications and administration,
- clarifying other authorities to enter and sign certain personal services contracts (primarily a housekeeping item to the ordinance approved by City Council in September 2004 as part of the transition process),
- authority to make provisional and temporary appointments upon approval of the Civil Service Commission (excluding department heads that would still require City Council approval under the Charter),
- authority to lease facilities, i.e., museum and arts venues, for events with alcohol.

Many of these activities were identified by the Transition Team working with the City's consultant, Terrell Bloggett, prior to September 1, 2004, when the new charter amendments took effect. Others were raised by staff and/or the City Attorney's Office as opportunities to reduce time and costs associated with processing fairly routine administrative matters for the City Council agenda, and/or reducing duplication of reviews or time lags for implementation.

Staff estimates that approval of these items would reduce the Consent Agenda by 25-30%. In the context of time and effort, the City Clerk's Office spends collectively about 80 hours a week preparing the Council Agenda. A 30% reduction would save about 26 hours per week or approximately 1400 hours annually. Based on a \$20 hour annual salary cost, the savings would equate to nearly \$30,000 annually. The City Attorney's Office estimates that Agenda review requires about 30 minutes of attorney time and 30 minutes of other staff time for each item on the Consent Agenda to assure that all is in order. Annualized time savings equate to 180 to 265

hours each – attorney and staff time – or a cost savings of \$16,500 based on hourly rates of \$46 and \$15 per attorney and staff. In addition, the initiating agencies expend approximately one to two hours developing the paperwork for submittal and securing appropriate approvals for each agenda item. The City Manager spends approximately one hour weekly going through the preliminary agenda and then another hour weekly with all affected agencies reviewing the agenda in preparation for the Tuesday meeting. While no dollars have been expressly identified for these time investments, the net impact in terms of opportunity costs equates to approximately 2-3 FTEs, plus City Council's and their staff's time organizing and reviewing a weekly agenda crowded with a lot of mundane items that detract from the more substantive business of the City Council.

Beyond this assessment, all of the human resources matters are reviewed and approved by the Civil Service Commission. Presently it takes the approval of two independent governing bodies to enact even minor temporary or provisional hires, which requires 2-4 weeks of lead time to process the request, post the agenda and get approval. This does not appear to be the best use of City Council's, volunteer Commissioners, and staff time in terms of value added and productivity.

Assistant City Attorney Elaine Hengen will be available to speak to each of these ordinances at the March 15 meeting. In the interim, please feel free to contact me if you have outstanding questions regarding the above.

AN ORDINANCE REPEALING ORDINANCE NO. 15893, GRANTING THE AUTHORITY TO THE CITY MANAGER OR THE DEPARTMENT HEAD TO ENTER INTO AND SIGN CERTAIN PERSONAL, PROFESSIONAL, INDEPENDENT AND VOLUNTEER SERVICE CONTRACTS ON BEHALF OF THE CITY AND TO CREATE A NEW ORDINANCE ON THE SAME SUBJECT.

WHEREAS, on February 7, 2004, a Charter election was held and the voters of El Paso elected to amend Section 4.2 of the Charter to allow Council to, by ordinance, provide for additional designated official to sign acts of Council on behalf of the Mayor; and,

WHEREAS, under Section 252.022(a)(4) of the Local Government Code, personal and professional service contracts are exempt from the bidding requirements of that Section; and,

WHEREAS, the City enters into many personal, professional, independent and volunteer and other services contracts due to the part time, seasonal or temporary nature of certain non-civil service positions within the City; and,

WHEREAS, there are often factors such as a high turn over rate in some of the positions falling under Section 6.6-5 of the City Charter, thereby creating an immediate need, for reasons of economy and efficiency, to fill the positions expeditiously to enable the City to continue to provide the same level of services to the public;

WHEREAS, the City Council has determined that for purposes of efficiency that the City Manager or his or her designee or a Department Head be designated to enter into and sign certain contracts on behalf of the City;

WHEREAS, the Council desires to repeal Ordinance No. 15893 for the purpose of creating this new ordinance to add additional types of contracts to those that the City Manager or his or her designee or a Department Head may enter into and sign on behalf of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Council hereby grants authority to the City Manager or his or her designee or the Department Head as specified below to enter into, sign and bind the City of El Paso for those contracts specified below.

- a. Personal services, professional and temporary services, independent services contracts, and other service contracts authorized under the Charter, either part-time or full time, that do not exceed a base annual salary of fifty thousand dollars or a total non-salaried compensation of fifty thousand dollars, may be entered into and signed by the City Manager or his or her designee. Personal services, professional and temporary services, independent services contracts, and other service contracts authorized under the Charter, either part-time or full time, that do not exceed a base annual salary of ten thousand dollars or a total non-salaried compensation of ten thousand dollars, may be entered into and signed by the affected Department Head. The base salary does not include fringe benefits.
 - b. Volunteer services contracts, as determined to be appropriate or necessary by the City Manager or the appropriate Department Head to include those required under Section 12.08.230 of the El Paso City Code, may be entered into and signed by the City Manager or his or her designee or the appropriate Department Head.
2. The authority to sign contracts as specified in Section 1 above, shall also include the authority to terminate such contracts as permitted under the contract and to sign an amendment to such contracts when the amount of the amendment when added to the original amount of the contract does not exceed the applicable maximum amount or when the amount of the amendment does not exceed twenty-five percent of the original amount of the contract, whichever is greater. Such authority does not permit the extension of a temporary services contract beyond one year.
3. All contracts or standard contract forms shall be approved as to form by the City Attorney or a Deputy or Assistant City Attorney prior to execution.
4. That Council hereby authorizes the City Manager to make the determination on behalf of the City Council for contracts falling under the provisions of Charter Section 6.6-5, that for reasons of economy, efficiency or to address an immediate and temporary need, it is necessary to contract with persons outside the Civil Service. Temporary service contracts falling under Section 6.6-5 of the Charter may not exceed one year in duration.
5. The City Clerk shall file and maintain the originals of all contracts entered into and signed pursuant to this ordinance in accordance with applicable records retention requirements.
6. The City Manager or his or her designee shall have the authority to sign personal, professional, independent, temporary and all other services contracts authorized in the City Charter , as may be approved by the City Council.

ADOPTED this 15th day of March 2005.

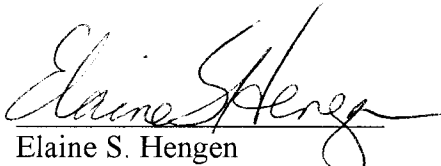
THE CITY OF EL PASO

Joe Wardy, Mayor

ATTEST:

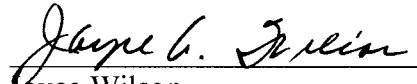
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Assistant City Attorney

APPROVED AS TO CONTENT:



Joyce Wilson
City Manager